IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appellant(s):   Gill
Filed: August 24, 2001
Art Unit: 3629
Examiner: WEBB, Jamisue
Title: FREIGHT RATE MANAGER

Docket No.:   018360/291659
Customer No.:   00826

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed February 14, 2007.

1.   ***Real Party in Interest.***

The real party in interest in this appeal is United Parcel Service of America, Inc. ("UPS").

2.   ***Related Appeals and Interferences.***

There are no related appeals and/or interferences involving this application or its subject matter.

3.   ***Status of Claims.***

Claims 1-45 have been cancelled and claims 46-83 are pending and stand rejected in the Application. Appellant appeals the rejection of these claims.

4.   ***Status of Amendments.***

No amendments have been filed subsequent to the latest rejection.

5.   *Summary of Claimed Subject Matter.*

At a high level, one embodiment of the present invention pertains to a computer based system for determining a freight charge associated with a freight shipment (pars. 25-28). The system is able to process "rate sheets" that may be associated with different freight carriers and have different structures. (Par. 92.) "A rate sheet is a document enabling the determination of the cost of shipping goods from an origin to a destination." (Par. 92.) Rate sheets may be in different formats, such as in a spreadsheet format, and can be based on "zones" (which are geographical areas having a common rate associated with shipping), zip codes, or other criteria. The rate sheets typically indicates a rate based on the weight of the freight (Par. 96).

Because rate sheets can be structured in different formats, it is necessary for a computer system processing the rate sheets to have information to interpret the rate sheet. A "template" is used to interpret the rate sheet. (Par. 102.) There are typically a plurality of templates used by the computer system, and typically a corresponding template is used to interpret a given rate sheet (id.). Because there are multiple rate sheets and multiple templates, the computer system must select the proper template to interpret a particular rate sheet. The selection of the appropriate template may be accomplished using a "keyword." For example, a rate sheet may a cell with the text of a carrier indicated (e.g., "UPS") that can be identified and used to identify the associated carrier. This text could then be used to select a corresponding "UPS" template for interpreting the rate sheet. (Par. 103). A rate sheet analyzer module 712 (Fig. 7) is capable of reading the rate sheets by selecting the proper template.

Independent claim 46 recites three main system components: 1) a rate sheet input module; 2) a rate sheet analyzer module, and 3) a rule generation module.

The rate sheet input module is capable of accepting the various rate sheets (par. 97-98). The rate sheet input module is further capable of receiving and storing a rate sheet associated with "one of a plurality of freight carriers and structured according to one of the plurality of formats."

The rate sheet analyzer module interfaces with a template storage module, which stores templates. (Par. 102.) One of the templates is associated with a specific freight carrier, and is selected by the rate sheet analyzer "by matching the one of the plurality of freight carriers

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associated with the rate sheet with the specific freight carrier associated with the one of the plurality of templates." Using the matching template, the rate sheet can be interpreted.

Finally, a rule generation module is recited to determine the freight charge for the particular freight carrier involved, by using the selected template.

The various dependent claims depending from independent claim 46 are somewhat self-explanatory and recite the format and structure of the rate sheet (claims 47, 48), the keyword for matching the rate sheet and the template, as well as how it is used (claims 50, 51, 52). Other claims recite additional modules, such as a user-interface module (claim 49), a communications module (claim 54), tariffs module (claim 55), compliance module (claim 56), logging module (claim 57), packaging module (claim 58), and an accessorial charge module (claim 59).

Independent claim 60 is a method claim, which follows a method associated with ascertaining a freight rate charge. It involves ascertaining a charge by first obtaining the freight data associated with the freight to be shipped, receiving a rate sheet specifying the published freight rates for a freight carrier, identifying an appropriate template by matching the appropriate freight carrier associated with the template as indicated by the rate sheet, retrieving that template for interpreting the rate sheet, and the once the rate sheet is capable of being interpreted, then generating the freight charge. (See, generally, paragraphs 91-109.)

Again, the dependent claims depending from independent claim 60 are self explanatory, consistent with the information provided above regarding the operation.

Independent claim 72 recites a computer-readable medium product for a computer program, which comprises module including a rate sheet input module, a rate sheet analyzer, and a rule generation module. (See, generally, paragraphs 91-109.)

In summary, in the embodiments of the invention in the present application, the "rate sheets" comprise information about freight rates for different carriers that may be in different formats and structures. The "templates" correspond to structures for allowing each rate sheet to be interpreted. The selection of the appropriate template to interpret a rate sheet may be accomplished using a keyword associated with the freight carrier.

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6. ***Grounds of Rejection to be Reviewed on Appeal.***

I. Whether claims 46-54 and 59-81 are nonobvious under 35 U.S.C. 103(a) over the combination of the USPN 5,661,653 (*"Kulik"*) and USPN 6,601,667 (*"Danford-Klein"*).

II. Whether claims 48, 62, and 74 are nonobvious under 35 U.S.C. 103(a) over the combination of *Kulik, Danford-Klein*, and USPN 6,286,009 (*"Mattioli"*).

7. ***Argument.***

With respect to the independent claims, two main issues are:

1) Does the *Danford-Klein* disclose a "rate sheet analyzer module" capable of processing different carrier's rate sheets?

2) Does the *Kulik* reference disclose "templates" as recited in the claims and which are to be interpreted according to the present specification?

Rejection of Claim 46-65 and 59-81

1) Does the *Danford-Klein* disclose a "rate sheet analyzer module" capable of processing different carrier's rate sheets?

The Examiner has rejected the above claims by first alleging that *"Kulik discloses the user of a rate sheet input module (25) for accepting rate sheet information (see Figure 2), a custom rates processor (31) which function as a rate sheet analyzer module and together with a rates manager functions and also a rule generator (25 and 31, with corresponding detailed descriptions in Columns 5 and 6) and that interfaces with a template storage module (33)."*

The Examiner then argues that *"Kulik, however, fails to disclose the system being used for multiple carriers, and where each template is specific for the carrier and each table is specific to each carrier. Danford-Klein discloses the use of a rating module (carrier specific service engines, which the examiner considers to be a form of carrier specific templates), which calculates rates for multiple carriers, using carrier rules, and analyzing rate tables (See abstract, Figures 6A and 8, Columns 3, lines 23-44 and Column 3, lines 31-42)."*

Independent claim 46 can serve as an exemplar applicable to independent claims 60 and 72. Specifically, Applicant admits that the resolution of the above issues with respect to claim 46 would apply to claims 60 and 72.

Independent claim 46 recites in part "a rate sheet input module capable of accepting a plurality of rate sheets wherein each rate sheet specifies published freight rates and each rate sheet is associated with one of a plurality of freight carriers and is respectively structured according to one of the plurality of formats." The Examiner alleges that *Kulik* discloses a "rate sheet input module" by citing *Kulik*, Figure 2, item 25, which is a "rates manager." Further, claim 46 also recites that "each rate sheet is associated with one of a plurality of freight carriers", and that each rate sheet is also "respectively structure according to one of a plurality of formats." The Examiner concedes that *Kulik* does not disclose *Kulik* being used for multiple carriers. This is because the system of *Kulik* is used for indicating rates from the postal authority, which would be viewed as a single carrier.

Independent claim 46 also recites a "rate sheet analyzer module", which is capable of "selecting the one of the plurality of templates by matching the one of the plurality of freight carriers associated with the rate sheet with the specific freight carrier associated with the one of the plurality of templates." Further, "one of the plurality of templates is associated with a specific freight carrier and is structured according to said one of the plurality of formats to interpret the rate sheet."

The Examiner's reasoning in the rejection, both with respect to *Kulik* and with respect to *Danford-Klein,* is improper.

With respect to *Danford-Klein,* the Examiner states "*Danford-Klein discloses the use of a rating module (carrier specific service engines, which the examiner considers to be a form of carrier specific templates), which calculates rates for multiple carriers....*" First, the Examiner equates "a rating module" with "carrier specific service engines." To be precise, the claim limitation is "a rate sheet analyzer module", not "a rating module." First of all, a single "rate sheet analyzer module" is not the same as a plurality of "carrier specific service engines." In the present invention, the "rate sheet analyzer module" is capable of processing rates for a plurality of carriers, which is reflected in the plurality of rate sheets. *Danford-Klein,* as discussed below, creates a separate "carrier specific service engine" for each carrier. Second of all, the "rate sheet

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analyzer module" must be capable of "selecting the one of the plurality of templates." If each template is equated to a "carrier specific service engine", then how can the "rate sheet analyzer module" select the "one of the plurality of templates"? This does not make sense, but is the result of the Examiner's argument.

Applicant furthers has argued that *Danford-Klein* does not disclose a rating engine processing different carrier rates (Office Action, item 18, page 5). Specifically, *Danford-Klein* discloses a rating engine that only processes a <u>single carrier</u> and that multiple rating engines are required for multiple carriers. In other words, if the rating engine in *Danford-Klein* were equated to the "rate sheet analyzer module," then *Danford-Klein* still would not disclose this limitation as each rating engine only operates in conjunction with a single carrier – not multiple carriers. In response, the Examiner has cited to specific portions of *Danford-Klein*, namely the Abstract, figures 6A and 8, Column 2, lines 23-44, and Column 3, lines 31-42 allegedly disclosing that *Danford-Klein's* rating engine operates on multiple carriers.

However, ***Danford-Klein* does not disclose a rating engine processing different carriers' rates.** *Danford-Klein* clearly states that a new rating engine is created for each rate table (col. 15, lines 63-66). *Danford-Klein* states that a "carrier contract object is broadly defined to comprises a collection of data representing contract terms **of a contract between a carrier and a customer**" (Col. 17, lines 17-20). Further, *Danford-Klein* discloses that a rating engines is created "for a particular carrier contract." (Col. 3, lines 33.) Danford-Klein explicitly states that "a carrier" (e.g, a single carrier) is involved, not multiple carriers.

Thus, a rating engine is associated with each instance of a particular carrier contract object (col. 16, lines 51-55, lines 63-66, col. 13, lines 14-15, and 25-30). Figure 6A and 8 identify an instance of a carrier contract (see, e.g., cloud 138, Fig. 8 and could 70, Fig. 6a). The 'rating engine" is associated with the carrier contract process rate data only associated with that carrier – **not from multiple carriers.** The different clouds in Figures 6A and 8 of *Danford-Klein* subordinate to the carrier contract cloud pertain to rating a shipment according to various service contracts for a carrier (e.g., priority, next day, 2nd day, ground, etc.). These are different rates associated with the <u>same carrier</u>. These are not different carriers.

In fact, the portions of the specification cited by the Examiner <u>support the concept that a single carrier is involved</u>, or at the least are not inconsistent. For example, the Examiner cites the Abstract. The Abstract indicates that the invention discloses a "rating engine operable to receive a rating request associated with <u>a carrier contract</u>." Note that this clearly states a singular carrier contract, not multiple carriers. Further, Danford-Klein defines a carrier contract as associated with <u>a carrier</u>, not a set of carriers. Applicant's interpretation of the cited portions of *Danford-Klein* is consistent with the plain meaning of the words, namely that a single carrier is involved. The Examiner's interpretation that "multiple carriers" are involved is inconsistent with the plain meaning.

The Examiner cites portions of column 3, which discloses "**a** complex rating engine for **a particular carrier contract** may be created." Again, a carrier contract involves **a single carrier**. The rating engine can process only a specific rate sheet of a specific carrier. The Summary of the Invention continues and states "[a]ccordng to this aspect of the invention, rating data **for a particular carrier contract** may be grouped together…." Again, referring to a single carrier.

In response to these arguments, the Examiner has stated that the "*examiner considers the rating engine used for 'a carrier contract' to be used for a single contract not for a single carrier (where the carrier is used as an adjective to describe what kind of contact the rating engine is used for.)*" The Examiner's rebuttal indirectly supports the Applicant's interpretation. First, the examiner states the rating enginer is "used for a single contract." It was just shown that *Danford-Klein* defines a carrier contract object as involving "**a contract between a carrier and a customer.**" Further, to interpret "a carrier contract" as involving multiple carriers would be non-sensical. When does a customer have a single contract with multiple carriers such as UPS or Federal Express? Is this some sort of 'three-way' contract involving the customer, carrier #1, and carrier #2? Logically, the customer would have multiple contracts: a first contract between the customer and carrier #1; and a second contract between the customer and carrier #2. The Examiner's arguments are not persuasive, namely that "a carrier contract" disclosed in *Danford-Klein* does not refer to a single carrier.

The Examiner next cites to the "Background of the Invention" (col. 2, lines 24-44) as supporting the concept that the rating engines in *Danford-Klein* process data from multiple carriers. That section only discloses that "customers holding contracts with multiple carriers may use such software to compare prices available for a particular shipment so that the customer pays the lower price for the shipment." This does not disclose the limitations of independent claims, nor even discloses how *Danford-Klein* operates. By itself, the disclosure of column 2 is too broad and vague to anticipate the limitations of the present claim and only present general background information. Further, the language cited is an inappropriate basis for contorting the plain meaning of *Danford-Klein*, which states that a rating engine is created "for a particular carrier contract." (Col. 3, lines 33.)

The other section cited by the Office Action as allegedly supporting the concept that a rating engine processes multiple carrier's data is from the text in column 6, lines 50-55 of *Danford-Klein*. That text (and associated Fig. 4) indicates that the "ODM module" is an application that uses the API interface, as would any other user. (Col. 6, line 53-55, see also lines 15-20). Thus, the ODM operates as a user would, making queries against various carriers' contracts, to determine which is the least expensive carrier. In light of the preceding, this text can be understood. *Danford-Klein* would determine a least expensive carrier by using multiple rating engines, initiating queries for each carrier. Presumably, the multiple responses would be compared to ascertain the least cost carrier. The above text does not mean that a single rating engine would process rate data from multiple carriers.

In anticipation of further arguments presented by the Examiner, Applicant has noted while *Danford-Klein* does disclose multiple rating engines for a particular carrier contract (see, e.g., Fig. 8), this is still interpreting rates of a single carrier.

In summary, ***Danford-Klein* would have used separate rating engines for each separate carrier**. The combination of *Danford-Klein* with *Kulik* would thus not have resulted in a single "rate sheet analyzer module," analyzing rate sheets of multiple carriers, but would have results in a plurality of rating engines – one for each instance of a rate sheet.

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Finally, one important fact not to be overlooked. Claim 46 recites a plurality of "rate sheets" and a plurality of "templates." The Office Action alleges that multiple templates are disclosed by *Danford-Klein* (page 3, item 6). However, no where in the Office Action is there any allegation of disclosure of multiple "rate sheets." It is not clear whether this is implied to be found in *Kulik*, *Danford-Klein*, or both. Applicant alleges that the Office Action has not address this limitation of the claim with respect to the prior art.

2) Does the *Kulik* reference disclose "templates" as interpreted according to the present specification?

Claim 46 recites "one of the templates is…structured according to said one of the plurality of formats to interpret the rate sheet…." Applicant submits that *Kulik* does not disclose "templates… to interpret the rate sheet" as the term should be interpreted in light of the present specification. Rather, the templates disclosed in *Kulik* are for a different purpose. Consequently, the term "template" in the present claim must be interpreted in light of the present specification and the term "template" as used in the specification of *Kulik* must be interpreted in light of the *Kulik* specification. Though the words are the same, the usage is different.

It is appropriate to provide background on *Kulik*. The *Kulik* reference pertains to a mailing system that determines the postage associated with a mail piece. Basically, a mailing system allocates a postage rate based on various parameters, such as the weight of the mail piece and a class of service. Typically, the mailing system allocates postage based on a standard rate table. *Kulik* discloses storing the "standard rates table", which is the "published standard rate table" (col. 5, lines 30) provided by the postal service.

Kulik discloses how the user can configure the mailing system to allocate postage from different classes based on a custom (user defined) rate table. *Kulik* provides an example (col. 7) as to what this means. *Kulik* allows a user to "define a custom template, specifying classes and break point parameters for controlling shifts between classes." (*Kulik*, col. 4, lines 48-51.)

In summary, *Kulik* discloses that a **standard rates table** can be modified by a user using a **custom template** to produce a **custom rates table**.

The custom template in *Kulik* is used to produce a custom rate table by using the standard rates table as input. *Kulik* presumes that the mailing system knows how to read the standard rate table as there is only a single carrier involved. Specifically, *Kulik* discloses that the "rates manager 25 contains rate table corresponding to the postage rates for all classes of mail, as published by the postal authority...."(Col. 5, lines 33-35.) Further, *Kulik* states "if the postal authority changes the rates for any of the classes, the postal authority provides information to update the rate table in the rates manager 25 in the normal manner." (Col. 10, lines 5-8.) Thus, *Kulik* presumes the system is able, in some manner, to receive a new rate table and process it. *Kulik does not address how the standard postage rate table is loaded or read by the system. All Kulik states is that "the postal authority provides information to update the rate tables in the rates manager 25 in the normal manner. "* (Col. 10, lines 7-8). Thus, *Kulik* does not require a template to interpret the standard rates table. Rather, *Kulik* uses the word "template" to define how to create a new (custom) rate table.

Because there is only one standard postage rate table to interpret, the problem of determining which of several formats to use to read several carrier's rate tables does not exist. *Kulik* indicates that the rate table is "published by the postal authority." (Col. 5, line 8.)

Thus, the "template" disclosed in *Kulik* is not used to read or interpret the standard rate table, but is used to form a custom rate table based on the standard rate table. "The custom rates processor 31 utilizes the template to develop a corresponding custom rates rate table 35 (step S2). More specifically, the custom rates processor 31 interrogates the rates manager 25 to obtain break points and postage values for each selected class and ranges specified in the customer templates. From this template, the custom rates processor develops and stores one of the custom rates rate tables 35 (Step S3)." (Col. 6, lines 30-40.)

The custom rates processor discloses in *Kulik* uses the "template" to develop a custom rates table. In summary, the *Kulik*'s "template" is not used "to interpret the rate sheet." Kulick *does not indicate to the system how to read the standard postage table,* but how develop *a*

custom rates table. Thus, Applicant submits that *Kulik* does not disclose a "template" used "to interpret the rate sheet." *Kulik* discloses a template that is used to create a new rate sheet.

Thus, Applicant respectfully submits that a *prima-facia* case of obviousness has not been established since *Danford-Klein* in combination with *Kulik* does not disclose the following limitation as recited in independent claim 46:

> the rate sheet analyzer module selecting the one of the plurality of templates by matching the one of the plurality of freight carriers associated with the rate sheet with the specific freight carrier associated with the one of the plurality of templates.

Specifically, Kulik does not disclose the "templates" used to interpret rate sheets, and Danford-Klein does not disclose a "rate sheet analyzer module" as recited above. Thus, the combination of to the two is deficient for disclosing the limitations of claim 46.

Similarly, the same argument is proffered for the following limitation found in independent claim 60:

> selecting a template from a template storage module by matching a first freight carrier associated with the template with a freight carrier indicated in the rate sheet.

Similarly, the same argument applies to independent claim 72 is not disclosed:

> the rate sheet analyzer module selecting the one of the plurality of templates to interpret the specific rate sheet by matching a first freight carrier associated with the one of the plurality of templates with the freight carrier associated with the specific rate sheet.

Applicant submits that the criteria required to establish a *prima facie* case of obviousness has not been met. Specifically, at least the requirement that "all the claim limitations must be taught of suggest by the prior art. *In re Royka,* 490 F.2d 981, 180 USPQ 580 (CCPA 1974)" have not been established. (MPEP 2143.03.)

Because at least some of the above cited limitations are not disclosed by *Danford-Klein* and *Kulik* as alleged, the combination of *Danford-Klein* and *Kulik* cannot render the cited limitations obvious, and therefore the independent claims are patentable. The dependent claims various incorporate the limitations of their respective independent claims, and are therefore patentable as well.

Rejection of Claims 47, 61, and 73

Claim 47, 61, and 73 recite in part "wherein the rate sheet is in a spreadsheet format." Applicant concedes that *Kulik* discloses a rate sheet in "spreadsheet format."

Rejection of claims 49, 63, and 75

Claim 49 recites in part "input from a user indicating the specific freight carrier associated with the rate sheet." The Examiner cites to *Kulik* column 6, lines 21-29 which discloses a "user inputs element defining a custom template." Templates are not the same as rate sheets. Further, the Examiner admits that *Kulik* "fails to disclose the system being used for multiple carriers", it would be inconsistent for a user to provide information "indicating the specific freight carrier associated with the rate sheet" if multiple carriers were not used.

Claims 63 and 75 recite in part "a user providing identifying information associated with the rate sheet" and "input from a user to specify information about the specific rate sheet." As previously noted, the text from *Kulik* alleged to anticipate the claim limitation discloses information regarding templates, not rate sheets.

Rejection of claims 50, 52, 65, 67, 76 and 78

These Office Action states these claims are rejected based on "*Kulik* discloses the user can defined such things as class, and weight, in a template for determining the rate (column 6, lines 20-40, Tables 1-3). The examiner considers this to be a keyword that signified the type of data (e.g., class or weight)."

Nothwithstanding whether "class" and "weight" are keywords, the claims recite various limitations that are not disclosed by Kuilik or alleged to be disclosed therein by the Office Action. Namely, claim 50 recites "the rate sheet analyzer module <u>selects the template to interpret the rate sheet based on a keyword</u> in the rate sheet." There is no disclosure of this aspect (e.g., "selects the templates…based on a keyword"), nor any allegation that Kulick anticipates selecting the rate sheet based on a keyword.

Similarly claim 52 recites in part "the selection of the template to interpret the rate sheet based on the keyword in the rate sheet is based on the location of the keyword in the rate sheet." Notwithstanding whether *Kulik* discloses a "keyword", there is no disclosure found in the cited passages pertaining to selecting the template based on the location of the keyword in the rate sheet.

Similarly, claim 65 recites in part "retrieving a template from the template storage module to interpret the rate sheet is based on a keyword in the rate sheet." Notwithstanding whether *Kulik* discloses a "keyword", there is no disclosure found in the cited passages pertaining to retrieving the template based on a keyword in the rate sheet. This reasoning applies similarly to claim 76

Similarly, claim 67 recites in part "wherein retrieving a template from the template storage module to interpret the rate sheet is based on the location of the keyword in the rate sheet." Notwithstanding whether *Kulik* discloses a "keyword", there is no disclosure found in the cited passages pertaining to retrieving the template based on the location of the keyword in the rate sheet. This reasoning applies similarly to claim 78.

Rejection of Claims 54, 69, 80, and 81

The Office Action states "With respect to Claims 54, 69, 80 and 81: See reference numerals 21 and 23."

Applicant submits that neither *Kulik*, nor the Office Action, disclose or allege that *Kulik* discloses the following limitations:

Claim 54: "a communications module for communicating the rate sheet to the remote location" (Kulick discloses a single system in Figure 1, not a distributed system).

Claim 69: "receiving an identifier associated with the rate sheet used by the rate sheet analyzer module to select the template" (*Kulik* does operates with a single carrier – there is no motivation to identify which rate sheet is being used for a particular carrier, so that the rate sheet analyzer module can select the appropriate template.)

Claim 80: "a communications module for communicating the specific rate sheet to a remote system for analysis" (Kulick discloses a single system in Figure 1, not a distributed system.)

Claim 81: "a communications module adapted for receiving and storing templates in the template storage module" (In *Kulik,* the application software module 21, nor motion control system module 23 as alleged in the Office Action, do not perform these functions as recited.)

Rejection of claim 55-58

The Office Action states: "With respect to claims 55-58: See *Danford-Klein* Table 1, columns 17-19."

The table shown in columns 17-19 merely dscloses services that can be handled by the embodiment of *Danford-Klein.* Neither the table, nor the Office Action, addresses with any particularity how the following limitations are rendered obvious:

Claim 55: "a tariffs module";

Claim 56: "a compliance module";

Claim 57: " a logging module"; and

Claim 58: "a packaging module."

Rejection of claims 59, 71, 82, and 83

The Office Action states: "With respect to claims 59, 71, 82, and 83: see *Danford-Klein*, Table 1, Columns 17-19." The table shown in columns 17-19 merely show services that can be handled by the embodiment of *Danford-Klein*. Neither the table, nor the Office Action, addresses with any particularity, how the limitations in the claims are rendered obvious.

Rejection of claim 70

The Office Action states: "With respect to Claim 70: *Kulik* discloses the use of multiple templates, See Figure 2." Applicant refers to the prior arguments with respect to the limitation of "template." Further, to the extent that *Kulik* does disclose a "template," then it is submitted that *Kulik* does not disclose multiple templates.

Rejection of claims 48, 62, and 74

Claims 48, 62 and 74 are rejected in light of *Kulik*, *Danford-Klein*, and *Mattioli*, based on the following rationale: "It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the rate calculation and rate tables of *Kulik*, included the zone, as disclosed by Mattiolo, as specified in claim 48."

Applicant submits that the rationale provided is improper, according to the MPEP 2143.01, Part IV:

> A statement that modifications of the prior art to meet the claimed invention
> would have been "'well within the ordinary skill of the art at the time the claimed
> invention was made'" because the references relied upon teach that all aspects of
> the claimed invention were individually known in the art is not sufficient to
> establish a *prima facie* case of obviousness without some objective reason to
> combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300
> (Bd. Pat. App. & Inter. 1993).

Thus, because a *prima facie* case of obviousness has not been made, the rejection of claims 48, 62, and 74 are deficient.

In re: Gill
Appl . No.: 08/939,206
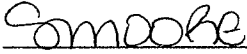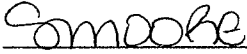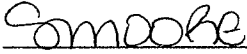Filing Date: August 24, 2001

CONCLUSION

For all of the foregoing reasons, Appellant hereby requests reversal of the rejection of Claims 46-83 under 35 U.S.C. 103(a) with instructions on remand to promptly issue a Notice of Allowance for all pending Claims.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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8. *Claims Appendix*

1- 45 (cancelled)

46.   A system for processing data associated with a freight shipment, comprising:

a rate sheet input module capable of accepting a plurality of rate sheets wherein each rate sheet specifies published freight rates and each rate sheet is associated with one of a plurality of freight carriers and is respectively structured according to one of a plurality of formats, the rate sheet input module further receiving and storing a rate sheet associated with the one of a plurality of freight carriers and structured according to one of the plurality of formats;

a rate sheet analyzer module adapted to interface with a template storage module for storing a plurality of templates, wherein one of the plurality of templates is associated with a specific freight carrier and is structured according to said one of the plurality of formats to interpret the rate sheet, the rate sheet analyzer module selecting the one of the plurality of templates by matching the one of the plurality of freight carriers associated with the rate sheet with the specific freight carrier associated with the one of the plurality of templates; and

a rule generation module determining a freight charge associated with the freight carrier using the selected one of the plurality of templates and the rate sheet.

47.   The system of claim 46 wherein the rate sheet is in a spreadsheet format.

48.   The system of claim 46 wherein the rate sheet specifies zone-based rates.

49.   The system of claim 46 wherein the system further comprises a user-interface module adapted to receive input from a user indicating the specific freight carrier associated with the rate sheet.

50.   The system of claim 47 where the rate sheet analyzer module selects the template to interpret the rate sheet based on a keyword in the rate sheet.

51.   The system of claim 50 where the keyword identifies the freight carrier.

52.   The system of claim 50 where the selection of the template to interpret the rate sheet based on the keyword in the rate sheet is based on the location of the keyword in the rate sheet.

53.   The system of claim 46 wherein the template storage module is in a remote location with respect to the rate sheet analyzer module.

54.   The system of claim 53 further comprising:

a communications module for communicating the rate sheet to the remote location, the communication module receiving the template adapted to interpret the received rate sheet, the communications module providing the template to the template storage module.

55.   The system of claim 50 further comprising a tariffs module for calculating a tariff charge, the freight charge comprising the tariff charge.

56.   The system of claim 55 further comprising a compliance module for determining whether a proposed shipment of goods to a destination country complies with import regulations of the destination country.

57.   The system of claim 46 further comprising a logging module wherein the freight charge is stored in a file.

58.   The system of claim 46 further comprising a packaging module wherein the freight charge is determined based in part on a package weight calculation provided by the packaging module.

59.   The system of claim 46 further comprising:

an accessorial charge module for accepting data representative of accessorial charges associated with the freight rates and determining an accessorial charge wherein the freight charge comprises the accessorial charge.

60.   A method of determining a charge associated with a freight shipment comprising:

receiving freight data associated with freight to be shipped;

receiving data representative of a rate sheet, the rate sheet specifying published freight rates associated with a freight carrier;

storing the rate sheet;

selecting a template from a template storage module by matching a first freight carrier associated with the template with a freight carrier indicated in the rate sheet;

retrieving the template from a template storage module to interpret the rate sheet, the template storage module storing a plurality of templates wherein each template is adapted to respectively interpret a particular rate sheet; and

generating a freight charge using the selected template to interpret the rate sheet in conjunction with the freight data.

61.   The method of claim 60 wherein the rate sheet is in a spreadsheet format.

62.   The method of claim 60 wherein the rate sheet specifies zone-based rates.

63.   The method of claim 60 further comprising:

        receiving input from a user providing identifying information associated with the rate

sheet.

64.   The method of claim 63 wherein the rate sheet identifying information associated with

the rate sheet identifies the freight carrier associated with the rate sheet.

65.   The method of claim 61 wherein retrieving a template from the template storage module

to interpret the rate sheet is based on a keyword in the rate sheet.

66.   The method of claim 65 wherein the keyword identifies the freight carrier.

67.   The method of claim 65 wherein retrieving a template from the template storage module

to interpret the rate sheet is based on the location of the keyword in the rate sheet.

68.   The method of claim 60 wherein the template storage module is in a remote location with

respect to the rate sheet analyzer module.

69.   The method of claim 68 further comprising the step of:

        transmitting the rate sheet module to the remote location; and

        receiving an identifier associated with the rate sheet used by the rate sheet analyzer

module to select the template.

70.   The method of claim 60 further comprising:

receiving a second template for interpreting a second rate sheet; and

storing the second template in the template storage module.

71. The method of claim 60 further comprising:

accepting data representative of accessorial charges associated with the freight rates; and

generating the freight charge comprising an accessorial charge.

72. A computer-readable medium product having computer program logic embodied therein for determining a freight charge, the computer program logic comprising:

a rate sheet input module capable of accepting a plurality of rate sheets associated with a plurality of carriers wherein each rate sheet specifies published freight rates and each rate sheet is respectively structured according to one of a plurality of formats, the rate sheet input module further receiving a specific rate sheet associated with a freight carrier and structured according to one of the plurality of formats;

a rate sheet analyzer module adapted to interface with a template storage module for storing a plurality of templates wherein one of the plurality of templates is adapted to interpret the specific rate sheet, the rate sheet analyzer module selecting the one of the plurality of templates to interpret the specific rate sheet by matching a first freight carrier associated with the one of the plurality of templates with the freight carrier associated with the specific rate sheet; and

a rule generation module calculating the freight charge associated with the freight carrier using the selected one of the plurality of templates and the specific rate sheet.

73. The computer-readable medium product of claim 72 wherein the specific rate sheet is in a spreadsheet format.

74.   The computer-readable medium product of claim 72 wherein the specific rate sheet specifying zone-based rates.

75. The computer-readable medium product of claim 72 wherein the system further comprises a user-interface module adapted to receive input from a user to specify information about the specific rate sheet.

76.   The computer-readable medium product of claim 73 where the rate sheet analyzer module selects the template to interpret the specific rate sheet based on a keyword in the rate sheet.

77.   The computer-readable medium product of claim 76 where the keyword identifies the freight carrier.

78.   The computer-readable medium product of claim 73 where the selection of the template to interpret the specific rate sheet based on the keyword in the rate sheet is based on the location of the keyword in the rate sheet.

79.   The computer-readable medium product module of claim 72 further comprising:

        a communications module for communicating the rate sheet to a remote system for analysis, the communication module further adapted for receiving an indication from the remote system identifying the template to interpret the specific rate sheet.

80.   The computer-readable medium product of claim 72 further comprising:

        a communications module for communicating the specific rate sheet to a remote system

for analysis, the communication module further adapted for receiving the template from the remote system, the communications module providing the template to the template storage module.

81.   The computer-readable medium product of claim 72 further comprising:

a communications module adapted for receiving and storing templates in the template storage module.

82.   The computer-readable medium product of claim 72 further comprising:

an accessorial charge module accepting data representative of accessorial charges associated with the freight rates for generating an accessorial charge.

83.   The computer-readable medium product of claim 82 wherein the rule generation module calculates the freight charge comprising the accessorial charge.

9. *Evidence Appendix*

None.

10. ***Related Proceedings Appendix.***

Not Applicable.